

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application No.: 10/091,785

Inventors: Michael J. O'Donnell *et al.*

Docket No.: 14-526C1

Filing Date: March 6, 2002

Title: GAS BURNER

MAIL STOP FEE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

I hereby certify that this paper is being deposited today with the U.S. Postal Service as 1st Class Mail addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on 3-16-05
By: Patty Lanner

NOTIFICATION OF ERROR IN PAYMENT OF SMALL ENTITY FEE(S) AS SMALL ENTITY

Dear Sir or Madam:

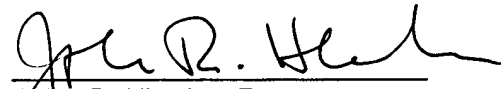
On March 6, 2002 Patent Application No. 10/091,785 was filed claiming small entity status in good faith. Recently it was discovered that the assignee to the above-identified application might not have been entitled to small entity status because of the assignees association with other separate corporate entities. As such, the small entity status is hereby withdrawn. Attached is a verified statement by the person with knowledge explaining when the potential error was discovered, which also includes an itemized list of deficiency payments.

Enclosed is payment for the deficiency between the amount of fees paid the amount due. In particular, the deficiency payment relates to application, missing parts, additional claims, and extension of time fees that occurred since the earliest possible date of the change in status. The total deficiency of \$1,490.00 represents the entire amount of fees due resulting from the amount owed under the December 8, 2004 fee schedule as a large entity, less the

amount paid for each fee as a small entity. Accordingly, payment in the amount of \$1,490.00 is enclosed herewith. Please charge any additional fees or credit any overpayments to deposit account number 23-0630.

Respectfully submitted,

Date: 3/16/05



John R. Hlavka, Esq.
Reg. No. 29,076

Telephone: (216) 241-6700
Facsimile: (216) 241-8151



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VERIFIED STATEMENT EXPLAINING ERROR IN CONNECTION WITH
SMALL ENTITY STATUS

Dear Sir or Madam:

This Verified Statement is made by the person having personal knowledge to explain how the error in good faith occurred and when it was discovered in connection with the accompanying NOTIFICATION OF ERROR IN PAYMENT OF FEE(S) AS A SMALL ENTITY, for the above-identified Patent Application No. 10/091,785 (hereinafter the "Application").

I, John R. Hlavka, having personal knowledge concerning the above error, declare:

1. I am a member of the intellectual property firm of Watts Hoffmann Co., L.P.A., P.O. Box 99839, Cleveland, Ohio 44199-0839. I am licensed to practice before the U.S. Patent and Trademark Office. My U.S. Patent and

Trademark Registration No. is 29,076.

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01 FC:1001	790.00 OP
02 FC:1051	130.00 OP
03 FC:1201	600.00 OP
04 FC:1202	50.00 OP
05 FC:1253	55.00 DA 965.00 OP

I hereby certify that this paper is being deposited today with the U.S. Postal Service as 1st Class Mail addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on 3-16-05
By: Pattij Exander

2. I am responsible for providing intellectual property law services, including the payment of all fees associated with the Application pre-issue and post-issue, for Beckett Gas, Inc., a corporation organized and existing under the laws of the State of Ohio and having a principal place of business at 38000 Taylor Parkway, North Ridgeville, Ohio 44039.

3. Beckett Gas, Inc. is the assignee of record of the Application.

4. On or about October 20, 2004, the issue was first raised as to whether the aggregate number of employees of separate corporate entities associated with Beckett Gas Inc. would relinquish its small entity status. Although a precise determination as to the proper status has not been made, Beckett Gas Inc. in good-faith wishes to take a conservative approach and pay any deficiency owed in accord with 37 C.F.R. § 1.28(c) *et seq.*

5. It is believed by Beckett Gas, Inc. that the aggregate number of employees from Beckett Gas, Inc. and the separately associated corporate entities did not exceed 500 employees until some date after January 1, 1996.

6. The following is an itemization of the deficiency payments paid since January 1, 1996, according to the December 8, 2004 fee schedule, and a total deficiency owed resulting from the change to large entity status:

<u>Date</u>	<u>Description</u>	<u>Paid</u>	<u>Owed</u>
Mar. 6, 2002	Nonprov. Application	\$370.00	\$420.00
May 18, 2002	Notice to File Missing Parts	\$65.00	\$65.00
May 15, 2003	1 Additional Dependent Claim	\$9.00	\$41.00
May 15, 2003	3 Additional Indep. Claims	\$126.00	\$474.00

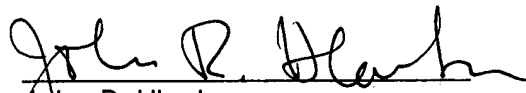
June 1, 2004 3 Month Extension of Time \$530.00 \$490.00

Total deficiency owed: \$1,490.00.

7. Any error in paying the above listed fees as a small entity was without deceptive or fraudulent intent.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 101 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above identified Application.

Date: 3/16/05


John R. Hlavka
Reg. No. 29,076